IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 24TH AUGUST 2007 / 2ND BHADRA 1929

Crl.MC.No. 2727 of 2007()

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PETITIONER: ACCUSED NOS.1 & 2:

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1. SURESH, AGED 50 YEARS,
   S/O. U.P. MENON, UNNIYATTIL HOUSE, G.C.D.A.,
   GIRINAGAR, CLUB ROAD, ERNAKULAM.

2. RAMESH, AGED 38 YEARS,
   S/O. U.P.MENON,UNNIYATTIL HOUSE,CHENNAMANGALAM P.O
   NORTH PARAVUR.

BY ADV. SRI.A.T.ANILKUMAR

RESPONDENTS: COMPLAINANT:

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1. STATE OF KERALA,
   REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   REP. BY THE SUB INSPECTOR, CENTRAL POLICE STATION,
   IN CR.748/1997.

2. MOHANAN, AGED 54 YEARS,
   S/O. K.S. NAIR, SAPTHAVARANNA HOUSE,
   NEAR ANJUMANA TEMPLE, PADIVATTOM KARA,
   EDAPPALLY NORTH VILLAGE.

BY ADV. SRI.P.DALBI EMMANUEL

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24/08/2007 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J**

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**Crl.M.C. No.2727 Of 2007**

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Dated this the 24th day of August, 2007

**ORDER**

The petitioners are accused 1 and 3 in a crime registered for offences punishable, inter alia, under Section 324 IPC. All the offences are compoundable and all the offences allegedly have been compounded also under Sec.320 Cr.P.C. The petitioners did not appear before the learned Magistrate. The trial against the co-accused proceeded with. That accused that is 2nd accused, was found not guilty and acquitted. The case against the petitioners was split up. The petitioners have not so far appeared before the learned Magistrate. According to the petitioners they have now settled their disputes with the victim, that is the 2nd respondent herein. As the offences are compoundable and the offences have been compounded, petitioners along with 2nd respondent have come to this Court with a prayer that powers under Section 482 Cr.P.C may be invoked to bring to termination of C.C.No.2098/2001 pending before the Judicial First Class Magistrate Court- II, Ernakulam, against the petitioners.

2. Offences are compoundable. Composition can be accepted by the learned Magistrate. In these circumstances, the learned counsel for the rival contestants were requested to explain why they have

chosen to come to this Court with a prayer under Sec.482 Cr.P.C, without appearing before the learned Magistrate. No valid reasons are advanced.

3. It is for the petitioner to move before the learned Magistrate with a prayer for composition. Their prayer for composition of the offences which are compoundable must certainly be considered by the learned Magistrate on merits in accordance with law and expeditiously- on the date of surrender itself. With the above observations, this Crl.M.C is dismissed. I find no reason whatsoever to invoke the powers under Sec.482 Cr.P.C.

4. It is submitted that warrants of arrest are issued against the petitioners. In the peculiar facts and circumstances of the case there shall be a direction that the warrants of arrest issued against the petitioners shall not be executed till 5.9.07. The petitioners along with complainant can appear before the learned Magistrate on any prior date and seek composition.

**(R.BASANT, JUDGE)**

sj

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**P.A.TO JUDGE**